UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

HYDRO-PHOTON, INC., Plaintiff, v. MERIDIAN DESIGN, INC., Defendant.	C.A. No. 05-11240 GAO

SECOND DECLARATION OF DAN MATTHEWS

I, Dan Matthews, declare, under penalty of perjury, that the following statements are true, to the best of my knowledge, information, and belief:

1. I am the Chief Operating Officer of Meridian Design, Inc. ("Meridian").
2. Meridian's AquaStar™ and AquaStarPlus!™ products do not include and have never included a liquid level sensor.
3. Meridian's AquaStar™ and AquaStarPlus!™ products do not contain a liquid level sensor that has been disconnected or otherwise temporarily disabled.
4. Meridian's AquaStar™ and AquaStarPlus!™ products can be turned on in the absence of water and will not turn off if removed from the water.
5. The gold pin in Meridian's AquaStar™ product is a ground connection. It is not a probe that detects the presence of water. Rather, the gold pin allows electrical charge from the power circuit to be discharged, either into the air or into water that contacts the pin.
6. The gold ground pin is not connected to a sensory input of any component of the product's circuit and cannot be used to detect water. It was included in the less

expensive version of Meridian Design's AquaStar™ product because an ultra-violet lamp, like any gas discharge lamp, will light more easily if an electrical ground is placed near the lamp.

7. In general, ultraviolet and fluorescent tubes are easier to start or "fire" if their tube wall is grounded. Our decision to include a gold ground pin in Meridian's original AquaStar™ product was premised on the theory that water may be used to ground the tube wall to the gold ground pin in situations where a user may have difficulty firing the lamp. For example, an ultraviolet light may have problems firing if a device's battery is old and in need of replacement. In Meridian's AquaStarPlus!™ product, we abandoned the use of a gold ground pin, by firing the lamp at a higher initial voltage.
8. In all cases, and regardless of whether they have a gold ground pin, Meridian's AquaStar™ and AquaStarPlus!™ products will turn on in the absence of water, and will not turn off if removed from water, because they do not include a liquid level sensor.
9. Any references in our literature advising a user to "check to be sure that the water in the bottle is at a level that it contacts" the gold pin, concern the fact that grounding the AquaStar™ product's circuit using the water will help the bulb turn on in those occasional circumstances in which it is difficult to fire the lamp. Any reference to a gold ground pin with respect to Meridian's AquaStarPlus!™ is an error, as these products do not even have a gold ground pin. Meridian has subsequently abandoned the use of the gold probe, particularly in the AquaStar™ Plus! products, by firing the lamp at a higher voltage initially.

10. The water detect feature described in Meridian's pending patent application was never implemented in either the AquaStar™ or AquaStarPlus!™ products.
11. Unlike the invention described in '424 patent, the AquaStar™ and AquaStarPlus!™ products need not be operated while being held in a user's hand.
12. The AquaStar™ products encase both ends of their ultraviolet lamps, and do not include a case with an outwardly extending ultraviolet light source.
13. The light sources of the AquaStar™ and AquaStarPlus!™ products need not be submerged in water to operate. Indeed, our products light sources will operate without contacting any water at all.
14. The on-off switch for Meridian's AquaStar™ and AquaStarPlus!™ products is not contained within a case. Rather, a portion of the switch is inside the case and a portion of it is accessible to the user outside the case.

Dated: December 12, 2005

Dan Matthews
Chief Operating Officer
Meridian Design, Inc.